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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,391	06/26/2003	Kenji Yamagami	16869B-082700US	8386
20350	7590	04/21/2006	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			PATEL, HETUL B	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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10/608,391

June 26, 2003

Kenji Yamagami

16869B-082700US

EXAMINER

Hetul Patel

ART UNIT**PAPER**

2186

20060413

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Commissioner for Patents

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 32-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The amendments filed on March 20, 2006 and March 28, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because newly submitted claims 32-47 are directed to a method and system for recovering data at a target time using a snapshot closest in time to the target time and one or more journal entries between the snapshot and the target time, while the originally presented claims 1-31 are directed to a method and system to remove one or more journal entries from the journal data store to maintain the free space above the second threshold value.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


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